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COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 26th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 26 March 1997, at 3 p.m.

Chairman: Mr. SOMOL (Czech Republic)

CONTENTS

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (continued)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

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CONTENTS (continued)

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

The meeting was called to order at 3.25 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1997/L.3, L.5 and L.6)

Draft resolution on the question of the violation of human rights in the occupied Arab territories, including Palestine (E/CN.4/1997/L.3)

1. Mrs. SYAHRUDDIN (Indonesia), speaking on behalf of the Organization of the Islamic Conference and introducing the draft resolution on behalf of its sponsors, said it reflected the relevant resolutions of the Security Council, General Assembly and Commission on Human Rights and expressed concern at Israel's continued refusal to comply with those resolutions. At the same time, it welcomed the signing of the 1993 Declaration of Principles on Interim Self-Government Arrangements and the subsequent agreements. It condemned the continued violations of human rights in the occupied Palestinian territories and called on Israel to cease its policy of enforcing collective punishments, to honour all its commitments under international law and to withdraw from the Palestinian territories, including Jerusalem, and other occupied Arab territories.

2. The sponsors believed that the draft resolution was an integral part of a comprehensive approach to the problems in the Middle East. The implementation of its provisions would provide opportunities for the parties concerned to keep the peace process on track. The Commission would, in the meantime, continue to address the question of the violation of human rights in the occupied Arab territories as a matter of high priority.

3. Mrs. KLEIN (Secretary of the Commission) said that the observers for Sudan and Mauritania had become sponsors of the draft resolution.

4. Mr. COMBA (Senior Administrative Officer, Centre for Human Rights) said that provision had already been made in relation to the mandate of the Special Rapporteur on the situation of human rights in the occupied Palestinian territories for the biennium 1996-1997, so that the draft resolution, if adopted, would have no programme budget implications.

5. Mr. van WULFFTEN PALTHE (Netherlands), speaking on behalf of the European Union in explanation of vote before the voting, said that the members of the Union would be abstaining on the draft resolution on the question of the violation of human rights in the occupied territories, including Palestine (E/CN.4/1997/L.3), the draft resolution on the situation in occupied Palestine (E/CN.4/1997/L.4), and the draft resolution on human rights in the occupied Syrian Golan (E/CN.4/1997/L.5). The substance and language of those resolutions did not adequately reflect the way in which the Commission should address the situation, concentrating almost exclusively as they did on negative developments since its fifty-second session and ignoring the positive developments.

6. Mr. LOFTIS (United States of America) said that his delegation could not support draft resolutions E/CN.4/1997/L.3, L.4, L.5 and L.6, which were one-sided in nature and more likely to add to tensions in the region than to ease them. The Commission must recognize the basic fact that the peace

process had done far more to promote human rights in the Middle East than all the resolutions condemning Israel put together. President Clinton had made it clear that the building of new settlements was not helpful, but it was not for the Commission to prejudge matters best left to the Palestinians and Israelis to determine for themselves.

7. At the request of the representative of the United States of America, a vote was taken by roll-call on draft resolution E/CN.4/1997/L.3.

8. Germany, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Bangladesh, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Cuba, Egypt, Ethiopia, Guinea, India, Indonesia, Malaysia, Mexico, Mozambique, Nepal, Pakistan, Philippines, Republic of Korea, South Africa, Sri Lanka, Uganda, Zimbabwe.

Against: United States of America.

Abstaining: Angola, Argentina, Austria, Belarus, Bulgaria, Canada, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Japan, Madagascar, Netherlands, Nicaragua, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

9. Draft resolution E/CN.4/1997/L.3 was adopted by 25 votes to 1, with 23 abstentions.*

10. Mr. LILLO (Chile) said that his delegation had voted in favour of the draft resolution because it shared the general concern at the serious violations of human rights which had occurred in the occupied Arab territories including Palestine. However, it would have preferred paragraphs 1, 2 and 3 to have been couched in more balanced language and would have wished the resolution to call upon all parties to renew their efforts towards a successful conclusion of the peace process.

Draft resolution on human rights in the occupied Syrian Golan (E/CN.4/1997/L.5)

11. Mr. AL-HUSSAMI (Observer for the Syrian Arab Republic), introducing the draft resolution on behalf of the sponsors, said that it was based on international principles which were not disputed, such as the illegality of occupying territory by force and the protection of civilians in times of war.

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* The delegation of Colombia subsequently informed the Commission that it had intended to vote in favour of the draft resolution.

It took note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/51/99/Add.2), reaffirmed the importance of the peace process started at Madrid, and called on Israel to comply with the relevant resolutions of the General Assembly and Security Council, particularly Security Council resolution 497 (1981). His Government was quite prepared to enter into negotiations with Israel if Israel honoured its commitments and the agreements it had made. There was broad international agreement on all the decisions and resolutions referred to in the draft resolution, which was intended to contribute to a comprehensive and just settlement.

12. Mrs. KLEIN (Secretary of the Commission) said that the delegation of Pakistan and the observers for the Democratic People's Republic of Korea and Mauritania had become sponsors of the draft resolution which, if adopted, would have no programme budget implications.

13. At the request of the representative of the United States of America, a vote was taken by roll-call on draft resolution E/CN.4/1997/L.5.

14. Indonesia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Argentina, Bangladesh, Benin, Bhutan, Cape Verde, Chile, China, Colombia, Cuba, Egypt, Ethiopia, Guinea, India, Indonesia, Malaysia, Mexico, Mozambique, Nepal, Pakistan, Philippines, Republic of Korea, South Africa, Sri Lanka, Uganda, Zimbabwe.

Against: United States of America.

Abstaining: Angola, Austria, Belarus, Brazil, Bulgaria, Canada, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Japan, Madagascar, Netherlands, Nicaragua, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

15. Draft resolution E/CN.4/1997/L.5 was adopted by 26 votes to 1, with 23 abstentions.

Draft resolution on Israeli settlements in the occupied Arab territories (E/CN.4/1997/L.6)

16. Mr. van WULFFTEN PALTHE (Netherlands), introducing the draft resolution on behalf of the European Union and other sponsors, said that the Special Rapporteur on the situation of human rights in the occupied Palestinian territories had rightly pointed out that the issue of settlements was emerging as the greatest preoccupation of the inhabitants of the occupied territories.

Israeli settlement activities were altering the physical character and demographic composition of the occupied territories, including East Jerusalem, and the draft resolution called on the Israeli Government to cease immediately its settlement activities in Har Homa/Jabal Abu Gheneim.

17. The Israeli settlement activities violated the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War and were a major obstacle to peace, contravening agreements within the framework of the peace process and prejudicing the outcome of the final status negotiations. A total halt to the work would greatly facilitate those negotiations and help restore confidence in the peace process.

18. Dialogue must continue and agreements entered into must be honoured, since progress could only be made in an atmosphere of mutual trust and cooperation; the peace process in the Middle East must not be allowed to stagnate.

19. Mrs. KLEIN (Secretary of the Commission) said that the observers for New Zealand and Jordan had become sponsors of the draft resolution.

20. Mr. HERNANDEZ BASAVE (Mexico), speaking in explanation of vote before the voting, said that his delegation would support the draft resolution because it energetically condemned any terrorist acts wherever they occurred. In the context of the peace process in the Middle East, terrorist acts gave grounds for special concern and deserved the international community's categorical condemnation.

21. Mr. ZAHRAN (Egypt) said that his delegation would vote in favour of the draft resolution if it were put to the vote. It would have liked to have seen an additional preambular paragraph referring to the General Assembly resolution adopted on 13 March 1997 following the Security Council's failure to reach a decision on the subject. In the absence of such a paragraph, it had decided not to become a sponsor.

22. Mr. DEMBRI (Algeria) said that, if the draft resolution were put to the vote, his delegation would vote in its favour. Nevertheless, his delegation considered the draft resolution to be imperfect because it contained no explicit reference to other Arab territories occupied by Israel and no strong condemnation of practices in violation of human rights.

23. The CHAIRMAN said that the United States delegation had requested that a vote be taken on the draft resolution.

24. At the request of the representative of Egypt, the vote was taken by roll-call.

25. France, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Angola, Argentina, Austria, Bangladesh, Belarus, Benin, Bhutan, Brazil, Bulgaria, Canada, Cape Verde, Chile, China, Colombia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, France, Germany, Guinea, India, Indonesia, Ireland, Italy, Japan, Madagascar, Malaysia, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, Pakistan, Philippines, Republic of Korea, Russian Federation, South Africa, Sri Lanka, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Against: United States of America.

Abstaining: Dominican Republic, Uruguay.

26. Draft resolution E/CN.4/1997/L.6 was adopted by 47 votes to 1, with 2 abstentions.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 7) (continued) (E/CN.4/1997/L.4, L.7 and L.8)

Draft resolution on the situation in occupied Palestine (E/CN.4/1997/L.4)

27. Mr. ZAHRAN (Egypt), introducing the draft resolution on behalf of its sponsors, stressed its balanced and non-condemnatory nature and expressed the hope that the draft would be adopted without a vote. However, if there had to be a vote, his delegation would prefer that it be taken by roll-call.

28. Mrs. KLEIN (Secretary of the Commission) said that the delegation of South Africa and the observers for Sudan, Mauritania and United Arab Emirates had become sponsors of the draft resolution.

29. The vote was taken by roll-call.

30. China, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Angola, Bangladesh, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Colombia, Cuba, Egypt, Ethiopia, Guinea, India, Indonesia, Madagascar, Malaysia, Mexico, Mozambique, Nepal, Pakistan, Philippines, Republic of Korea, South Africa, Sri Lanka, Uganda, Zimbabwe.

Against: United States of America.

Abstaining: Argentina, Austria, Belarus, Bulgaria, Canada, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Japan, Netherlands, Nicaragua, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

31. Draft resolution E/CN.4/1997/L.4 was adopted by 28 votes to 1, with 21 abstentions.

Draft resolution on the question of Western Sahara (E/CN.4/1997/L.7)

32. The draft resolution was adopted without a vote.

Draft resolution on the Middle East peace process (E/CN.4/1997/L.8)

33. Mrs. RUBIN (United States of America), introducing the draft resolution on behalf of its sponsors, said that there was a tendency to overlook the tremendous positive changes which had occurred in the Middle East since the Madrid Conference of 1991. Although progress seemed slow and painful at times, much had been accomplished. A functioning Palestinian national entity was in place; peace with Jordan had been achieved; and the Israelis had withdrawn from most of Gaza and Hebron and from ever-larger portions of the West Bank.

34. The forthcoming final status negotiations would undoubtedly prove difficult and there would be moments when progress appeared to be impossible. But, since it had first begun, the peace process had always gone forward in the end and there was every reason to believe that it would continue until a just, lasting, and comprehensive peace was ultimately achieved. Her Government believed that it was the Commission's responsibility to help to advance the peace process at that delicate point in history. That was the object of the draft resolution.

35. Mrs. KLEIN (Secretary of the Commission) said that the delegations of Argentina, Bulgaria, Canada, Czech Republic, Japan, Madagascar and Nepal and the observers for Australia, Hungary, Israel, Liechtenstein, Luxembourg, New Zealand, Portugal, Spain and Ukraine had become sponsors of the draft resolution.

36. Mr. LAMDAN (Observer for Israel), speaking in explanation of his Government's position, said that it hoped that, as in previous years, the draft resolution would be adopted unanimously without a vote, since it was a significant reaffirmation of the international community's support for the peace process, to which Israel was deeply committed. The last preambular paragraph, stating that acts, methods and practices of terrorism constituted a grave violation of the principles of the United Nations and aimed at the destruction of human rights, fundamental freedoms and the democratic bodies of society, was particularly important.

37. His delegation was heartened by the commitment to the peace process expressed by the Minister of High Education in the Palestinian Authority but drew no comfort from the fact that the texts of the draft resolutions that had been adopted under agenda items 4 and 7, and the debate that had preceded them, had slavishly followed the traditional pattern. Those brazenly political resolutions would not of course, have any impact on Israel's direct negotiations with the Palestinians or any other peace partners.

38. A particularly ugly aspect of the debate had been the "blood libel" proffered against his country by the observer for Palestine, in which connection he wished to thank the Chairman for his letter in response to the Israeli delegation's protest against those remarks (E/CN.4/1997/127),

rejecting the Palestinian observer's allegations and recalling that "declarations provoking racist or discriminatory sentiments must not be tolerated in the Commission".

39. Mr. RAMLAWI (Observer for Palestine), having expressed his surprise that the observer for Israel should have been permitted to raise issues relating to an agenda item that was no longer under consideration, said that the draft resolution was unbalanced in three important respects. In the first place, while there was a reference to the Madrid Conference in the third preambular paragraph, the text made no mention of one of the most important principles of that Conference, namely, that of land for peace. Secondly, paragraph 5 welcomed the release of female Palestinian prisoners from Israeli detention but failed to mention the 4,000 or more Palestinians still detained by Israel. Lastly, while agreeing with the view expressed in paragraph 7 that terrorism represented a threat to the peace process, his delegation considered that mention should also have been made of the Israeli policy of Jewish settlements which had triggered the most recent terrorist acts.

40. Mr. DEMBRI (Algeria) said that his delegation hoped that the draft resolution would be adopted by consensus. Algeria was honoured to have played its part in the peace process, notably by hosting conferences that had enabled the Palestine Liberation Organization to approach the Madrid and Oslo meetings with confidence. He regretted, however, that no mention was made of the occupation of Arab territory by Israel and that there was no condemnation of the terrorist practices used, particularly Israel's mediaeval imposition of collective punishments.

41. Mr. ZAHRAN (Egypt) said that, though his delegation welcomed the draft resolution, it regretted that it had not been consulted, since it would have suggested some changes to take account of both progress in and obstacles to the peace process. The third preambular paragraph ought to have mentioned the principle of land for peace. Security Council resolutions on withdrawal by Israel from Lebanese territory, and the negotiations between Israel and Syria and between Israel and Lebanon had also been wrongly omitted.

42. As for the operative part of the draft resolution, a paragraph should have been added to the effect that Israel's occupation of Arab territories should cease forthwith. Paragraph 5 should have mentioned all the prisoners being held without charge or trial in Israeli prisons. Paragraph 7 ought to have been more even-handed in its denunciation of all acts of terrorism, from whatever side. A paragraph should also have been devoted to the question of settlements, stressing that existing work should be halted and that no new ones should be built. He hoped, however, that the draft resolution would be adopted by consensus.

43. Draft resolution E/CN.4/1997/L.8 was adopted.

44. Mr. BERNARD (France) said that his delegation had unreservedly joined the consensus on the draft resolution, in the belief that the Commission should once again affirm its unanimous support for the peace process. Only when peace was achieved could the promotion and protection of human rights in the Middle East become a reality.

45. His Government welcomed the progress that had been made and regretted any delay in implementing the agreements that had been reached. It condemned acts of violence and deplored any behaviour that might harm the trust that should exist between the parties. It would continue to do its utmost to contribute to a just, global and lasting settlement, on the basis of land for peace, security for all the peoples of the region, respect for the independence and sovereignty of States and self-determination for the Palestinians.

46. In view of France's particular concern with regard to Lebanon and the restoration to full sovereignty of all its territory within internationally recognized borders, his delegation had decided not to be a sponsor of the resolution, since it made no mention of Security Council resolution 425 (1978), the principles of which had been included in the Madrid negotiations. The renewed tension in southern Lebanon unfortunately underlined the need for that resolution to be implemented as the only lasting means of ensuring security. A successful conclusion to the peace process in the region must be sought on the basis of the relevant Security Council resolutions.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(agenda item 8) (E/CN.4/1997/4 and Add.1-2 and Corr.1 and Add.3, 7 and Add.1-3 and Corr.1, 25 and Add.1, 26, 27 and Add.1, 28, 29 and Add.1, 30, 31 and Add.1, 32-34, 55 and Corr.1, 103 and 104; E/CN.4/1997/NGO/3, 4, 7, 8, 20, 22, 23 and 29; E/CN.4/Sub.2/1996/16, 17 and 19 and Corr.1 and Add.1; A/51/465 and 561)

47. Mr. VARGAS PIZARRO (Chairman-Rapporteur of the Working Group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) introducing the Working Group's report (E/CN.4/1997/33), said that the idea behind the draft optional protocol was the appointment of a group of experts to make periodic visits to places of detention, with the aim of preventing torture and other cruel treatment or punishment, in confidential cooperation with the State concerned, in the hope that such visits would help to rid the world of the scourge of torture.

48. The Working Group had met for two weeks annually since its establishment in 1992. Its meetings had been open to all States, all intergovernmental organizations (IGOs) and non-governmental organizations (NGOs). At its

meeting in October 1996, it had approved the second reading of the text of articles 2-7 of the draft protocol, which appeared in annex I to the report. Discussion had been intense, but a spirit of cooperation had reigned.

49. The Working Group had decided that, while articles 1 and 8 of the draft protocol could not be agreed upon by consensus, they should form the basis for its work in 1997. Notwithstanding the intense negotiation and the great efforts devoted to those two articles, good faith abounded and he was confident that a new, dynamic instrument of international law, enshrining the principles of confidentiality, independence, impartiality, universality and, above all, effectiveness, would receive wide support from the international community.

50. The various articles had been discussed and analysed at plenary meetings, to which the drafting group presented proposals. Provisional agreement on articles 2-7 had been reached in October 1996; full agreement had been reached at the meeting that had just been held.

51. Some delegations had proposed at the most recent meeting that the Commission should be asked to allow the Working Group to hold two sessions in 1997, but others had opposed that proposal. Whatever the Commission might decide, it was vital to build on the progress that had been made and to finalize the second reading, so that a definitive text could be submitted for the approval of all States. The report should thus be widely read and the Working Group should have its mandate renewed.

52. Mr. ALFONSO MARTINEZ (Cuba) said that, on examining the report of the Working Group on Arbitrary Detention (E/CN.4/1997/4) his delegation had been struck by the paradox that a body set up to investigate arbitrary action on the part of others should have demonstrated such arbitrariness in its own working methods, having unilaterally amended the mandate that it had been given. That mandate, clearly prescribed in resolution 1991/42, limited the Working Group to investigating cases of arbitrary detention, namely, situations in which arbitrary action, either administrative or judicial, was alleged by a person deprived of freedom and awaiting charges to be brought or the end of the judicial process. "Detention" meant deprivation of freedom before sentence was passed; but the Working Group had decided that it also had a mandate to investigate cases of possible arbitrary imprisonment.

53. That was quite false. In no part of resolution 1991/42 was it explicitly stated that the Commission intended that terms of imprisonment should be investigated. The historical background to the establishment of the Working Group showed clearly that the Commission had deliberately excluded from the Working Group's terms of reference any possibility of its investigating cases of presumed arbitrary imprisonment after a trial had been held.

54. Empowering the Working Group to do so would mean, in practice, accepting that a mere "special procedure" authorized by the Commission could call into question not only the principle of respect for the res judicata, but also the reasoning of the national courts that had rendered the judgement and the equity and justice of the sentence. The Working Group would also be mandated to pass judgement on any supposedly "arbitrary" aspect of a country's

legislation, and even of its Constitution. Thus, the five members of the Working Group seemed to see themselves as a kind of international constitutional court with planetary jurisdiction. It was noteworthy that 88 per cent of the cases of arbitrary detention identified in 1996 had been in third-world countries.

55. During the negotiations which had preceded the adoption by consensus of the resolution establishing the Working Group, some Western countries had argued that the latter should deal with all types of deprivation of liberty. The third-world countries had strongly resisted that idea, since it would clearly infringe national sovereignty. In order to avoid a vote that would have split the Commission into two camps (North versus South), the negotiators had agreed to use only the term "detention" in the mandate, bearing in mind the difference between that term and "imprisonment".

56. In asserting, in paragraph 84 of its report (E/CN.4/1997/4), that Cuban legislation used the term prisión (imprisonment) to refer to persons who had not been convicted, the Working Group had failed to note that the texts in question were no longer in force. With respect to the reference, in paragraph 94, to the deprivation of liberty imposed on President Fidel Castro in 1953, he wondered what the Working Group would in fact have done in a situation in which the United States-backed Batista Government had been involved. Moreover, President Castro, like Nelson Mandela, Mahatma Gandhi, the Chilean martyrs who had resisted the tyranny of General Pinochet and other defenders of self-determination, had accepted his historical responsibility to his people without considering the possibility of assistance from a body such as the Working Group.

57. The Working Group's mandate should not be extended unless the Commission first requested it to confine itself strictly to the original terms of that mandate and to investigate only cases in which a judgement had not yet been rendered by the courts of the country concerned. In any event, the mandate should not be extended for more than one year, in order to give the Commission time to assess the Working Group's adaptation of its methods.

58. Mr. van WULFFTEN PALTHE (Netherlands), speaking on behalf of the European Union and of Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Norway, Poland, Romania, Slovakia and Slovenia, said that the international community should focus not on standard-setting, but on implementation, and that the relevant mechanisms should be strengthened. With respect to freedom of opinion and expression, those delegations welcomed the emphasis on the rights of women in the Special Rapporteur's report (E/CN.4/1997/31 and Add.1).

59. The delegations he represented agreed with the Working Group on Arbitrary Detention that its work should not be restricted to pre-trial detention. Its comments should be taken constructively and should not give rise to useless discussions on definitions. Only a broad understanding of the term "arbitrary" could make its work useful. The reports of the Special Rapporteurs on the independence of judges and lawyers (E/CN.4/1997/32 and Add.1-3) and on human rights and states of emergency (E/CN.4/Sub.2/1996/19 and Corr.1 and Add.1) were also of value to Governments.

60. The delegations he represented strongly supported the speedy conclusion of the optional protocol to the Convention against Torture, and endorsed the methods of the Special Rapporteur on the question of torture. It was regrettable that Turkey, Indonesia, Cameroon, China and India had not yet responded to the Special Rapporteur's request for a country visit. Turkey, in particular, as part of the European system for the protection of human rights and fundamental freedoms, should show the same willingness as the European States to cooperate with the Special Rapporteur. He welcomed, however, the Turkish Government's statement that the reform efforts to promote human rights would continue.

61. The delegations he represented supported the conclusions of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1997/34). However, enhancement of the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance should not lead to new standards. The High Commissioner for Human Rights should improve the support structure for the Working Group and for the Special Rapporteur on the question of torture. Moreover, countries should make annual contributions to the United Nations Voluntary Fund for Victims of Torture. Lastly, he urged all Governments to allow United Nations human rights mechanisms to assist them in improving respect for human rights.

62. Mr. URRUTIA (Observer for Peru) said that, despite the international community's repeated condemnations of terrorism, innocent people continued to suffer from that scourge. Hostage-taking was one of the most widespread forms of terrorism. In Peru, 72 people had been held captive for the last three months by criminals whose purpose was to free other convicted criminals who had participated in the terrorist violence which had claimed over 25,000 lives and caused material damage equivalent to the full amount of Peru's external debt.

63. His Government's refusal to be blackmailed by terrorists was supported by the people of Peru and by the international community. Although the Government would not change its position, it had affirmed its desire to find a peaceful solution that would save the lives of the hostages. It appreciated the Commission's recent show of support through the statement made by the Chairman on 12 March 1997. However, it was concerned about the silence of other international actors working for the protection of human rights, and invited NGOs to join States in vigorously condemning terrorism.

64. His delegation was particularly surprised by the Commission's unjustifiable failure to address the issue under its thematic procedures. It was not convinced by the argument that those procedures concerned only the actions of States, since a number of special rapporteurs and working groups interpreted their mandates in a highly flexible manner. Nonetheless, the Special Rapporteur on the independence of judges and lawyers had expressed no concern at the fact that the President of the Supreme Court of Peru and other members of the judiciary had been deprived of their liberty and were in danger of losing their lives. The Commission should act in accordance with its many past resolutions affirming that hostage-taking was a serious violation of human rights in that it affected the two most basic rights: life and personal liberty.

65. Such practices should be combated at the national level through the strict application of relevant laws, and at the international level through cooperation, understood not in strictly economic terms but in terms of policy coordination and the consolidation of legal principles to guide international action. Accordingly, his delegation would submit a draft resolution on hostage-taking to the Commission and hoped that it would be adopted by consensus.

66. Mr. AL-HADDAD (Observer for Bahrain) said that his Government was convinced that peace, stability and development were essential conditions for creating an atmosphere of liberty and self-respect in which citizens could properly enjoy their full rights and freedoms.

67. In Bahrain, since the beginning of the destabilization campaign in late 1994, the activities of terrorists had coincided with allegations of human rights abuses on the part of the authorities. In accordance with United Nations principles, the Government had tried to cooperate and promote dialogue with the Commission and its subsidiary bodies with a view to explaining the real situation in the region. Bahrain was threatened by a conspiracy to overthrow the Government by armed force. The allegations against the Government had been made by a small group of fundamentalist extremists who were either connected to terrorists or in self-styled exile abroad, and who had manipulated the media and the international human rights movement, their motives being purely political.

68. In October 1996, his Government had demonstrated its willingness to cooperate with international human rights mechanisms by signing a memorandum of understanding with the International Committee of the Red Cross (ICRC). The agreement would allow ICRC to make independent prison inspection visits in Bahrain. His Government would continue to honour its obligation to promote human rights, no matter what the circumstances.

The meeting rose at 6 p.m.